

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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DALE KOKOSKI,

Case No. 3:23-cv-00011-MMD-CLB

Plaintiff,

ORDER

v.

DR. BERNALES,

Defendant.

*Pro se* Plaintiff Dale Kokoski, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), sued Dr. Bernales for constitutionally inadequate medical care while incarcerated at Ely State Prison ("ESP"). (ECF No. 7 ("Complaint").) Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Carla L. Baldwin (ECF No. 44), recommending that the Court dismiss this case under Federal Rule of Civil Procedure 4(m). To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.") (emphasis in original). As noted, in the R&R, Judge Baldwin recommends the Court dismiss this case under Rule 4(m) because Kokoski has not provided proof of service despite being given more than one extension of time to do so. Judge Baldwin did not clearly err.

It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF No. 44) is accepted and adopted in full.

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1 It is further ordered that this case is dismissed without prejudice, in its entirety,  
2 under Federal Rule of Civil Procedure 4(m).

3 The Clerk of Court is directed to close this case.

4 DATED THIS 17<sup>th</sup> Day of April 2024.

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8 MIRANDA M. DU  
9 CHIEF UNITED STATES DISTRICT JUDGE  
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